

REMARKS

The Examiner rejected claims 9 through 11 as indefinite, claims 10 and 11 as failing to comply with the enablement requirement, and claim 1 as being anticipated by U.S. Patent No. 5,607,450 to Zvenyatsky. Claims 2 through 8 were objected to as being dependent from a rejected claim but were deemed otherwise allowable.

Applicant has made appropriate corrections as suggested by Examiner with respect to claims 9 and 11. Thus, claims 9 and 11 should now be allowable. With respect to claim 10, Applicant has clarified the claim in conjunction with Examiner's suggested changes to claim 9. Exemplary support for the clarification is found in paragraph [0036] of the specification.

Regarding the rejection based upon Zvenyatsky, Applicant respectfully traverses. Zvenyatsky discloses a surgical instrument comprising an instrument handle 12 linked at a proximal end portion of a tube shaft 20 to the distal end portion of which an instrument head 22 is linked so as to be inclinable. At the instrument head 22 an effector 28 is mounted. The effector 28 includes at least one pivotable engaging element 30 and 32, which is operable via an effector operating gear train by means of the handle member 12.

Referring now to pending claim 1, Zvenyatsky fails to disclose the limitation "supporting an effector rotatable about the longitudinal axis of the tube shaft". Zvenyatsky discloses an articulating section which is pivotably connected to a fixed portion of the distal end of the tube shaft by a pin disposed normal to the longitudinal axis of the tube shaft. As such, Zvenyatsky does not disclose an effector that is rotatable about the longitudinal axis of the tube shaft, as the pin only allows a pivoting about the pin, and due to its being in a fixed position prevents rotation of an effector along the longitudinal axis of the tube shaft.

Furthermore, according to Zvenyatsky the effector operating gear train includes a pushing rod which is shiftably arranged in the tube shaft and which is, in the linking area between the

instrument head and the tube shaft, in articulation with (not in free abutment against) a pushing pin shiftably supported in the instrument head and/or the effector and operatively connected to the engaging element. In other words, in Zvenyatsky a hinge, as in Figure 4, is used to interconnect the pushing rod with the pushing pin, which allows pivoting but blocks rotation of the instrument head with respect to the tube shaft. In contrast, pending claim 1 requires the pushing rod to abut a pushing pin in a linking area between the instrument head and the tube shaft.

As such, the limitations “supporting an effector rotatable about the longitudinal axis of the tube shaft” and “the pushing rod abuts a pushing pin” are not disclosed by Zvenyatsky. As such, Zvenyatsky fails to anticipate pending claim 1. Applicant respectfully requests that the rejection be withdrawn.

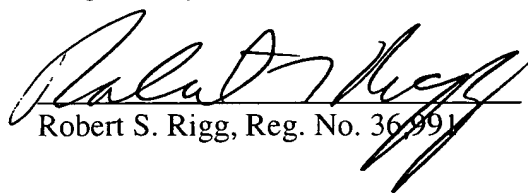
CONCLUSION

In view of the foregoing, the Applicant is of the view that the pending claims, as amended, are in allowable form. Favorable reconsideration is requested. The allowance of this application is earnestly solicited.

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Respectfully submitted,



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